

The 10th December, 1995

No. 14/13/87-6 Lab./222.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon, in respect of the dispute between the workman and the management of M/s. Stencil Apparels (P) Ltd. *versus* Kalyan Singh :—

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 324 of 1991

between

KALYAN SINGH, S/O SHRI GIAN SINGH, WZ 403, GALI NO. 4, PALAM,
NEW DELHI

and

THE MANAGEMENT OF M/S. STENCIL APPARELS, PVT. LTD., 441 PHASE 4,
UDYOG VIHAR, GURGAON

Present :

Shri Shardha Nand, A. R. for the workman.

Shri S. K. Yadav, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter, between the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Government Labour Department endorsement No. 29605—10; dated 5th August, 1991.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed of as fully settled.

ANITA CHAUDHARY,

The 5th January, 1994.

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endorsement No. 122, dated the 31st January, 1995.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

No. 14/13/87-6 Lab./223.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon, in respect of the dispute between the workman and the management of M/s. Annapurna Bread Pvt. Ltd., Bajgera Road, Gurgaon *versus* Om Parkash :—

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 153 of 1991

between

OM PARKASH, C/O SHRI MAHAVIR TYAGI, ORGANISOR INTUC, GURGAON

Workman

and

THE MANAGEMENT OF M/S ANNAPURNA BREAD PVT. LTD, BAJGERA
ROAD, GURGAON

Management

Present :

Shri Shardha Nand, A. R. for the workman.

Shri P. R. Yadav, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter, between the parties, mentioned above, to this court for adjudication, —vide Haryana Government, Labour Department Endorsement No. 23145—59, dated the 27th June, 1991.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed of as fully settled.

ANITA CHAUDHARY,

The 11th January 1995.

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endorsement No. 126, dated the 31st January, 1995.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

No. 14/13/87-6Lab/228.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Kegg Farm Hatchery, Pvt. Ltd., Jaipur Road, Gurgaon *versus* Harpal Singh :—

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 217 of 1988

between

HARPAL SINGH, S/O SHRI KARAM SINGH, C/O SHRI SHARDHA NAND,
GENERAL SECRETARY, AITUC OFFICE, 214/4, MARLA, GURGAON

and

THE MANAGEMENT OF M/S. KEGG FARM HATCHERY, PVT. LTD.,
JAIPUR ROAD, GURGAON

Present.

Shri Shardha Nand, for the workman.

Shri M. P. Gupta, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (in short "the Act"), the Governor of Haryana referred the following dispute, between the parties, mentioned above to this court, for adjudication —vide Haryana Government gazette notification No. 52225—30, dated 29th December, 1987 :—

Whether the termination of services of Harpal Singh, is just and legal ? If not, to what relief is he entitled ?

2. According to the claim statement, the workman was employed as a helper on 15th January, 1986 and was drawing a monthly salary of Rs. 500. His services were illegally terminated on 9th August, 1987. No compensation was paid. The workman has sought his reinstatement with full back wages.

3. In the written statement the management took up the plea that the workman had joined the service on 15th April, 1987 and he had worked till 9th August 1987 and by then he had not completed 240 days of service and he was appointed on casual basis and was not entitled to any compensation.

4. On the pleadings, the following issue was framed on 25th November, 1988.

1. Whether the termination of services of Harpal Singh, is just and legal? If not, to what relief is he entitled?

5. I have heard the authorised representatives of the parties and have gone through the evidence on record. My finding on the issue is as under :—

6. The management has examined Pankaj Maheshwari, Deputy Manager, MW1, who deposed that the workman was engaged on casual basis on 15th April, 1987 and he had worked till 9th August, 1987 and proved photo copies of the attendance register Ex. M1 to Ex. M24 from January, 1986 to December, 1987. He stated that consequent upon the demand notice, they had appeared before the Labour Officer and had given their reply Ex. M25 and since the workman had not completed 240 days, he was not entitled to any compensation.

7. On the other hand, the workman has stepped into witness box as WW1 and deposed that he was working with the management since 15th January, 1986 and had put in service of more than 240 days. He also stated that since he was a member of the union, his services were illegally terminated on 9th August, 1987. He stated that he was out of job.

8. The workman in this case had taken up a specific plea that he had put in continuous service over 240 days. The management had taken up a stand that he had worked from 15th April, 1987 to 9th August, 1987 and his service was less than 240 days. The management had produced attendance record right from January, 1986 till December, 1987. A perusal thereof shows that the workman had only worked from 15th April, 1987 to 9th August, 1987 and he had not put in continuous service of 240 days. It is by now well settled that a workman who has not put in continuous service of 240 days, is not entitled to any relief under the I. D. Act. No compensation was required to be paid in this case, as such, the workman is not entitled to any relief. Reference is answered accordingly with no order as to costs.

The 4th January, 1995.

ANITA CHAUDHARY,
Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endorsement No. 102, dated 31st January, 1995

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

ANITA CHAUDHARY,
Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.